

APPENDIX B

INDEPENDENT REVIEW ORGANIZATION

This Appendix contains the requirements relating to the Independent Review Organization (IRO) required by Section IV of the CIA.

A. IRO Engagement.

ACPA shall engage an IRO that possesses the qualifications set forth in Paragraph B, below, to perform the responsibilities in Paragraph C, below. The IRO shall conduct the review in a professionally independent and/or objective fashion, as set forth in Paragraph D. Within 30 days after OIG receives written notice of the identity of the selected IRO, OIG will notify ACPA if the IRO is unacceptable. Absent notification from OIG that the IRO is unacceptable, ACPA may continue to engage the IRO.

If ACPA engages a new IRO during the term of the CIA, this IRO shall also meet the requirements of this Appendix. If a new IRO is engaged, ACPA shall submit the information identified in Section VI.A.8 to OIG within 30 days of engagement of the IRO. Within 30 days after OIG receives written notice of the identity of the selected IRO, OIG will notify ACPA if the IRO is unacceptable. Absent notification from OIG that the IRO is unacceptable, ACPA may continue to engage the IRO.

B. IRO Qualifications.

The IRO shall:

1. assign individuals to conduct the Verification Review and, if applicable, the Claims Review and Unallowable Cost Review engagements, who have expertise in the claims payment process and other requirements applicable to managed care organizations doing business with Medicare, Medicaid, and other Federal health care programs;
2. assign individuals to design and select the Verification Review sample and, if applicable, the Claims Review sample who are knowledgeable about the appropriate statistical sampling techniques; and
3. have sufficient staff and resources to conduct the reviews required by the CIA on a timely basis.

C. IRO Responsibilities.

The IRO shall:

1. perform each Verification Review and, if applicable, each Claims Review in accordance with the specific requirements of the CIA;
2. follow all applicable Medicare, Medicaid, and other applicable rules and in making assessments in the Verification Review and, if applicable, the Claims Review;
3. if in doubt of the application of a particular Medicare, Medicaid, or other applicable policy or regulation, request clarification from the appropriate authority (e.g., fiscal intermediary or carrier);
4. respond to all OIG inquiries in a prompt, objective, and factual manner; and
5. prepare timely, clear, well-written reports that include all the information required by Section IV of the CIA.

D. IRO Independence/Objectivity.

The IRO must perform the Verification Review and, if applicable, the Claims Review in a professionally independent and/or objective fashion, as appropriate to the nature of the engagement, taking into account any other business relationships or engagements that may exist between the IRO and ACPA.

E. IRO Removal/Termination.

1. *Provider.* If ACPA terminates its IRO during the course of the engagement, ACPA must submit a notice explaining its reasons to OIG no later than 30 days after termination. ACPA must engage a new IRO in accordance with Paragraph A of this Appendix.

2. *OIG Removal of IRO.* In the event OIG has reason to believe that the IRO does not possess the qualifications described in Paragraph B, is not independent and/or objective as set forth in Paragraph D, or has failed to carry out its responsibilities as described in Paragraph C, OIG may, at its sole discretion, require ACPA to engage a new IRO in accordance with Paragraph A of this Appendix.

Prior to requiring ACPA to engage a new IRO, OIG shall notify ACPA of its intent to do so and provide a written explanation of why OIG believes such a step is necessary. To resolve any concerns raised by OIG, ACPA may request a meeting with

OIG to discuss any aspect of the IRO's qualifications, independence or performance of its responsibilities and to present additional information regarding these matters. ACPA shall provide any additional information as may be requested by OIG under this Paragraph in an expedited manner. OIG will attempt in good faith to resolve any differences regarding the IRO with ACPA prior to requiring ACPA to terminate the IRO. However, the final determination as to whether or not to require ACPA to engage a new IRO shall be made at the sole discretion of OIG.